

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-003-0024

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed February 23, 2004 (Doc. No. 7409) in connection with defendants Andrew Conder, Jr., Cheryl Conder, Kenneth Conder, Peter J. Conder, Russell Fink and subfile CHCV-003-0024, and as grounds therefore Plaintiff states as follows:

1. Since the time Andrew Conder, Jr., Cheryl Conder, Kenneth Conder, Peter J. Conder and Russell Fink ("Defendants") signed and approved the Consent Order filed February 23, 2004 in subfile CHCV-003-0024, the State has received a plat of survey of the adjacent property and determined that a small portion of that property (0.2 acres) had been incorrectly mapped under this subfile. The State has now correctly mapped the boundaries of the land under subfile CHCV-003-0024.

2. The Consent Order filed February 23, 2004 should be vacated.

3. The Defendants have agreed to making the necessary correction and have signed and approved a revised Consent Order to be filed with the Court that corrects the error described in

paragraph one above.

5. Defendants support the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed February 23, 2004 (Doc. No. 7409) in connection with defendants Andrew Conder, Jr., Cheryl Conder, Kenneth Conder, Peter J. Conder, Russell Fink and subfile CHRB-006-0039.

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on July 13, 2005.

/electronic signature/
Edward G. Newville

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